

# BLAKELY SOKOLOFF TAYLOR & ZAFMAN

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September 22, 2003

MS PG Pub  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

*Via Express Mail*  
EV 335 418 555 US

Re: USSN: 09/835,704 Filed: 16 April 2001  
Applicant: Redback Networks Inc.  
Title: METHOD AND APPARATUS FOR DEFRAMING SIGNALS  
*Transmittal of Request to Rescind Previous Nonpublication Request  
Under 35 USC 122(b)(2)(B)(ii) and Notification of Foreign Filing  
Under 35 USC 122(b)(2)(B)(iii)*  
Our File No.: 4906.P074

Dear Sirs:

The above-identified application has the same specification (but different claims) as a U.S. Patent Application that was filed under the Patent Cooperation Treaty more than 45 days ago. A Request and Certification under 35 USC 122(b)(2)(B)(i) has been submitted for the above-identified application. Since the rule seems ambiguous as to whether a Request to Rescind is necessary in this situation, we herewith submit a Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing (37 CFR 1.137(f)), a Submission of Petition for Revival, a Request to Rescind Previous Nonpublication Request under 35 USC 122(b)(2)(B)(ii) and a Notification of Foreign Filing under 35 USC 122(b)(2)(B)(iii).

Respectfully submitted,

Blakely, Sokoloff, Taylor & Zafman LLP

Daniel M. DeVos  
Reg. No. 37,813

DMD/jw  
Enclosures

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#10

**RESCISSON OF PREVIOUS  
NONPUBLICATION REQUEST  
35 U.S.C. 122(b)(2)(B)(ii)  
AND, IF APPLICABLE,  
NOTICE OF FOREIGN FILING  
(35 U.S.C. 122(b)(2)(B)(iii))**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 305-8568

|                      |  |
|----------------------|--|
| Application Number   | 09/835,704                                 |
| Filing Date          | 04/16/2001                                 |
| First Named Inventor | Michael McClary                            |
| Title                | Method and Apparatus for Deframing Signals |
| Atty Docket Number   | 4906P074                                   |
| Group Art Unit       | 2176                                       |
| Examiner             |  |

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby **rescind** the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122 (b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.

*If a notice of subsequent filing or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).*

9/22/03  
Date

Daniel M. DeVos, Reg. No. 37,813  
Typed or printed name

**This request must be signed in compliance with 37 CFR 1.33(b).**

If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703) 605-4283 or by e-mail at PGPub@USPTO.gov.

**CERTIFICATE OF MAILING/TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

|                       |            |      |         |
|-----------------------|------------|------|---------|
| Typed or printed name | Jane Wolfe |      |         |
| Signature             | Jane Wolfe | Date | 9-22-03 |

Based on PTO/SB/36 (08-03) as modified by Blakely, Solokoff, Taylor & Zafman (wlr) 08/11/2003.  
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SEP 25 2003

# **FEE TRANSMITTAL for FY 2003**

*Effective 01/01/2003. Patent fees are subject to annual revision.*

Applicant claims small entity status. See 37 CFR 1.27.

**TOTAL AMOUNT OF PAYMENT**

| <i><b>Complete if Known</b></i> |                 |
|---------------------------------|-----------------|
| Application Number              | 09/835,704      |
| Filing Date                     | April 16, 2001  |
| First Named Inventor            | Michael McClary |
| Examiner Name                   |                 |
| Group/Art Unit                  | 2176            |
| Attorney Docket No.             | 4906P074        |

**METHOD OF PAYMENT** (*check all that apply*)

Check       Credit card       Money Order       Other       None  
 Deposit Account

Deposit  
Account  
Number **02-2666**

**The Commissioner is authorized to: (check all that apply)**

Charge fee(s) indicated below       Credit any overpayments

Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account

## **FEE CALCULATION**

## **1. BASIC FILING FEE**

| Large Entity |          | Small Entity |          |                        |          |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) | Fee Description        | Fee Paid |
| 1001         | 750      | 2001         | 375      | Utility filing fee     |          |
| 1002         | 330      | 2002         | 165      | Design filing fee      |          |
| 1003         | 520      | 2003         | 260      | Plant filing fee       |          |
| 1004         | 750      | 2004         | 375      | Reissue filing fee     |          |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |          |

## **2. EXTRA CLAIM FEES**

| Total Claims       |   | Claims   | Fee Paid               |
|--------------------|---|--|------------------------|
| Independent Claims | - | $20^*$ = <input type="text"/> X <input type="text"/> | = <input type="text"/> |
| Multiple Dependent | - | $3 =  X $  | = <input type="text"/> |

| Large Entity |          | Small Entity |          |   |
|--------------|----------|--------------|----------|---|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) | Fee Description                                   |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                            |
| 1201         | 84       | 2201         | 42       | Independent claims in excess of 3                 |
| 1203         | 280      | 2203         | 140      | Multiple Dependent claim, if not paid             |
| 1204         | 84       | 2204         | 42       | **Reissue independent claims over original patent |
| 1205         | 18       | 2205         | 9        | **Reissue claims in excess of 20 and over         |

*\*or number previously paid, if greater. For Reissues, see below.*

**SUBMITTED BY**

Name (PrintType) Daniel M. DeVos

**Complete (if applicable)**

|   |               |                  |                       |
|---|---------------|------------------|-----------------------|
| <b>Registration No.</b><br><i>(if applicable)</i> | <b>37 813</b> | <b>Telephone</b> | <b>(408) 720-8300</b> |
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